

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**UNITED STATES OF AMERICA, ET AL.,  
PLAINTIFFS**

**CASE NO. C-1-02-107  
(SPIEGEL, J.)  
(HOGAN, M.J.)**

**VS.**

**BOARD OF HAMILTON COUNTY  
COMMISSIONERS, ET AL.,  
DEFENDANTS**

**REPORT AND RECOMMENDATION**

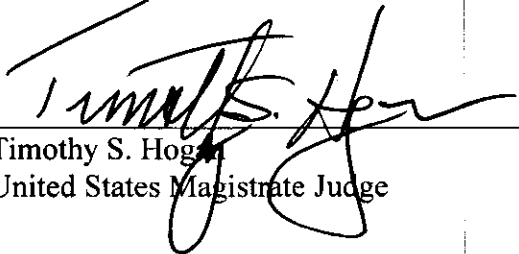
**RESOLUTION OF THE CLAIM OF KATHERINE DOLWIG**

Claimant Katherine Dolwig filed a timely Request for Review, but did not request a hearing. Therefore, her claim is being resolved on the papers submitted. Ms. Dolwig lives at 1332 Ault View Ave. in the Cincinnati suburb of Hyde Park. Ms. Dolwig claims some type of interest, possibly a life estate, in the property, which she claims is owned by her daughter, Liz McGaran, who lives on Perkins Lane. As a result of a sewer backup in the basement of the property on Ault View, A-Ameristar Pendleton Services was engaged to extract water and sanitize the premises. Claimant Dolwig asserts that she paid \$2,135.47 to have the backup repaired, but attaches a statement from the contractor in the amount of \$791.34 for services rendered on May 11, 2003. The Water in Basement Program, a part of the Consent Decree entered by the Court in June, 2004, deals with losses occurring after January 1, 2004. Claimant Dolwig's loss was prior to May 11, 2003, before the Water in Basement Program began.

Claimant Dolwig argues that since her neighbor, James May's claim for a basement flooding was paid, her claim should be also be paid. It is true that both she and Mr. May live on Ault View and both suffered basement water damage. The difference is that Mr. May's loss occurred in July, 2004, *after* the Water in Basement program commenced. Claimant Dolwig's loss occurred *before* the program began. There is no due process or equal protection implications

from the City of Cincinnati's denial of Ms. Dolwig's claim. The City was entirely correct in doing so.

June 25, 2007



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Timothy S. Hogan  
United States Magistrate Judge

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1. Article Addressed to: <b>Katherine Dowling</b> <b>1332 Ault View Ave.</b> <b>Cincinnati, OH 45208</b>		B. Received by (Printed Name)	C. Date of Delivery
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